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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/050546 ✓

International filing date (day/month/year)
29.04.2004 ✓

Priority date (day/month/year)
02.05.2003 ✓

International Patent Classification (IPC) or both national classification and IPC
H04N7/26

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V. ✓

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-23
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-23
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:

D1: WO 03/036984 A (BRULS WILHELMUS H A ; KONINKL PHILIPS
ELECTRONICS NV (NL)) 1 May 2003 (2003-05-01)
D2: US-A-5 539 842 (SCHWARTZ EDWARD L) 23 July 1996 (1996-07-23)

2 Inventive Step

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-23 does not involve an inventive step in the sense of Article 33(3) PCT.

Independent claim 1:

Document D1 is concerned with a method of supplying encoded coded content (see abstract), the method discloses that a based layer of content data needs to be decoded using a first decoding technique and that the enhancement layer needs to be decoded using a second technique which can be different from the first technique (see e.g. page 4, line 16- page 5, line 6).

Document D1 does not explicitly mention that a control circuit is present so that the second technique may be used on its own. However, it is made clear in document D1 that standard encoding techniques are used for the two different layers. Furthermore on page 1, line 23 the issue of compatibility between different standards is mentioned. Thus the skilled person is aware of the different standards which exists, and which may be used as a stand alone system or in a base-enhancement-system. Consequently the skilled person will readily consider to decode a stand-alone stream using for example the enhancement layer decoder only when provided with such a stream, and re-use this standard decoder. In the extreme case this may be considered as being a zero-valued base stream. As a consequence the subject-matter of independent claim 1 is considered to lack inventive step.

Independent claims 9, 17, 20:

The subject-matter of independent claims 9, 17 relates to an electronic device comprising a decoder, software for implementing a decoder, respectively, and which functions in accordance with the method of claim 1,
As a consequence the subject-matter of claims 9 and 17 is considered to lack inventive step for similar reasons as set out above for claim 1.

Claim 20 relates to the storage of data which has been encoded by both using a base-enhancement technique and by using the technique used for the enhancement technique only. Since it is known from D1 (see abstract) to use these techniques, the storage of data coded in this manner is also considered to be obvious.

3 DEPENDENT CLAIMS 2-8, 10-16, 18, 19, 21-23

Dependent claims 2-8, 10-16, 18, 19, 21-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT). The features of these claims are either disclosed in the prior art, or form part of the common general knowledge of the skilled person.

- provision of control data (as in claims 2, 10), -common general knowledge;
- provision of content data using second technique (as in claims 3, 11), -see D1 (abstract);
- first technique relates to conventional standard, and second technique relates to emerging standard (as in claims 4, 12, 18, 21), -see D1 (page 5, lines 3-6);
- second techniques uses H264 (as in claims 5, 19, 33), -see D1 (page 4, line 34);
- data streamed over network (as in claims 6, 13), -see D1 (page 5, line 32);
- data recorded on a carrier (as in claims 7, 14, 23), -see D1 (page 5, line 31);
- different resolutions (as in claims 8, 16), -see D1 (page 2, lines 1-3);
- rendering apparatus (as in claim 15), -see D1 (figure 3);

4. Article 33(4) PCT

The subject-matter of claims 1-23 is industrially applicable in the field of scalable coding.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2004/050546